

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**April 22, 1998**

DIVISION ONE

B119280      So. Calif. Edison Co.      (Not for Publication)

v.

Superior Court, Los Angeles County  
(Chavez, r.p.i.)

Let a peremptory writ of mandate issue directing the trial court (1) to vacate its order denying Edison's motion for summary judgment, (2) to enter a new order granting the motion, and (3) to enter judgment in favor of Edison. Edison is awarded its costs of these writ proceedings.

Vogel (Miriam A.), J.

We concur:    Spencer, P.J.  
                         Ortega, J.

B109565      Depew et al.      (Certified for Publication)

v.

Crocodile Enterprises, Inc.

The judgment is affirmed.

Masterson, J.

We concur:    Ortega, Acting P.J.  
                         Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B111435      Farm Sanctuary, Inc.      (Certified for Publication)

v.

Department of Food and Agriculture

The judgment is affirmed.

Masterson, J.

We concur:    Vogel (Miriam A.), Acting P.J.

Dunn, J. (Assigned)

B091610      Ogaard et al.      (Not for Publication)

v.

Fitzgerald

Bright Ideas, Inc.

The judgment is reversed with respect to (1) the award of attorneys' fees to defendant Bright Ideas, Inc., against plaintiffs Arne Ogaard and Linda Ogaard, (2) the failure to award attorneys' fees to plaintiff Robert Nicoletti against defendant J. R. Fitzgerald on Nicoletti's defamation claim, and (3) the failure to award costs (other than attorneys' fees) to plaintiffs Arne Ogaard, Linda Ogaard, and Robert Nicoletti against defendant J. R. Fitzgerald. We vacate (1) the award of attorneys' fees to defendants Bright Ideas, Inc., and J. R. Fitzgerald against plaintiff Robert Nicoletti and (2) the award of costs to Bright Ideas, Inc., against all plaintiffs. In all other respects, the judgment is affirmed. On remand, the trial court shall award attorneys' fees and costs in accordance with this opinion. The order directing plaintiffs and their counsel to return levied funds to the Los Angeles County Sheriff's Department is affirmed. The parties are to bear their own costs on appeal.

Masterson, J.

We concur:    Spencer, P.J.

Vogel (Miriam A.), J.

DIVISION TWO

B104089     A. D. Gilhart & Co., Inc.  
                 v.  
                 California Federal Bank

Filed order dismissing appeal filed July 5, 1996, without costs to either party. Remittitur to issue forthwith.

DIVISION THREE

Court convened at 9:30 A.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., Goodman, J. (Assigned), and Sandy Veverka, Deputy Clerk.

Each of the following:

B109231 People v. Clark  
B106998 People v. Phillips  
B109767 People v. Quinones  
B109220 People v. Mosley  
B110882 People v. Alma Esperanza R.

Argument waived, cause submitted.

B108858     People  
                 v.  
                 Gonzalez

Merits:  
Argued by Geoffrey R. Pope for appellant and by G. Tracey Letteau for respondent. Cause submitted.

B116129     County of Los Angeles  
                 v.  
                 Shelia J. S.

Merits:  
Argued by John Dodd for appellant and by Kim Kedeshian for respondent. Cause submitted.

DIVISION THREE (Continued)

B109818      Carmen Lawson  
                 v.  
                 Candle Corporation

Merits:

Argued by Gary Brown for appellant and by Jamie L. Johnson for respondent. Cause submitted.

B113600      Nejat Munisloglu  
                 v.  
                 Erturk Dincel

Merits:

Argued by Kevin M. Fillo for appellant and by John R. Call for respondent. Cause submitted.

B115604      County of Los Angeles  
                 v.  
                 Craig Bailey

Merits:

Argued by Andrea R. Shrote for respondent and no appearance for appellant. Cause submitted.

B109822      Howard Greenspan  
                 v.  
                 Canadian Imperial Bank of Commerce

Merits:

Argued by Howard Greenspan for appellant and by Rodrigo Castro-Silva for respondent. Cause submitted.

DIVISION THREE (Continued)

B108945     Joni F. Rutter  
               v.  
               General Motors Corporation

Merits:  
Argued by A. Clifton Hodges for appellant and by Rhonda Crawley for respondent. Cause argued and submission deferred.

B114192     Jennifer Nelson  
               v.  
               Superior Signal Service Corp.

Merits:  
Argued by Jerome Zamos for appellant and by R. Duane Westrup for respondent. Cause submitted.

B114374     Peter Guu  
               v.  
               City of Los Angeles

Merits:  
Argued by Stephen L. Jones for appellant; Sharon S. Cardenas for respondent and by Harriet K. Bilford for Amicus Curiae. Cause submitted.

B111254     Robert C. Rosen  
               v.  
               Lewis, D'Amato, Brisbois & Bisgaard

Merits:  
Argued by Robert C. Rosen for appellant and by Gary M. Lape for respondent. Cause submitted.

Court recessed.

April 22, 1998-Continued

DIVISION THREE (Continued)

The Court reconvened at 1:30 P.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., Goodman, J. (Assigned), and Sandy Veverka, Deputy Clerk.

Each of the following:

B113303 People v. Wilson  
B113359 People v. Zuniga  
B111201 People v. Miyen  
B113422 People v. Marichal  
B111774 People v. Torres  
B108722/B112484 People v. Maguire  
B110789 People v. Baker  
B110242 People v. Borrego  
B111372 People v. Jara  
B110615 People v. Stubblefield  
B094896 Shiri v. Night Vision Corporation

Argument waived, cause submitted.

B112817     People  
              v.  
              Silvio Ernesto Ruiz

Merits:

Argued by Walter L. Gordon for appellant and by Richard B. Cullather for respondent. Cause submitted.

B101913     People  
              v.  
              Theodore J. Maropulos

Merits:

Argued by Fay Arfa for appellant and by Carl N. Henry for respondent. Cause submitted.

DIVISION THREE (Continued)

B108818      Gene Matsumoto  
                  v.  
                  Barbara Tomita

Merits:

Argued by Daniel M. Graham for appellant and by JoAnn Victor for respondent. Cause submitted.

B093098      Petrolane Gas Service Limited  
                  v.  
                  The Redevelopment Agency of the City of Long Beach, et al.

Merits:

Argued by Richard Brandt for appellant and by Terry O. Kelly and C. Robert Ferguson for respondents. Cause submitted.

Court adjourned.

DIVISION FIVE

B118510      In re Miguel S.                      (Not for Publication)  
                  Michael S.  
                  v.  
                  Superior Court of Los Angeles County  
                  Los Angeles County Dept. of Children & Family Services, rpi

The petition is denied.

Armstrong, J.

We concur:    Turner, P.J.  
                  Godoy Perez, J.

DIVISION SIX

B117975      San Luis Obispo County DPSS      (Not For Publication)  
                 v.  
                 Celeste M.

The appeal is dismissed.

Stone, P.J.

We concur:   Gilbert, J.  
                 Yegan, J.

B105484      Cameron      (Not for Publication)  
                 v.  
                 Strait

We reverse and remand for a new trial for a determination of respondent's liability. The trial court is directed to: 1) exclude evidence of all real estate transfer disclosures executed after 1992; 2) instruct the jury concerning a seller's duty to disclose past and present material facts affecting property value; and 3) caution the parties to draft the special verdict to avoid ambiguities. We need not address the issue of attorney's fees. Costs are awarded to appellant.

Coffee, J.

I concur & dissent:   Gilbert, Acting P.J.  
I dissent:               Yegan, J.

B098709      Greve      (Certified for Publication)  
                 v.  
                 Angeles Chemical Company

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment.)



DIVISION SIX (Continued)

B112368      Diving Systems International      (Not for Publication)  
                 v.  
                 Jackson

The judgment is reversed. Costs are awarded to appellant.

Stone, P.J.

We concur:   Yegan, J.  
                 Coffee, J.

B117247      Hammond      (Not for Publication)  
                 v.  
                 Wells Fargo Bank

The judgment is affirmed. Costs on appeal are awarded to Wells Fargo.

Gilbert, Acting P.J.

We concur:   Yegan, J.  
                 Coffee, J.

B113088      People      (Not for Publication)  
                 v.  
                 Milewski

The judgment is affirmed.

Gilbert, J.

We concur:   Stone, P.J.  
                 Yegan, J.

April 22, 1998-Continued

DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Coffee, J.

[illegible]

The judgment is affirmed.

Gilbert, J.

We concur:   Stone, P.J.  
                      Coffee, J.

DIVISION SEVEN

B109474 People (Not for Publication)  
v.  
Reed

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.  
Woods, J.

April 22, 1998-Continued

DIVISION SEVEN (Continued)

B117758      Debra M.      (Not for Publication)  
v.  
LA County Dept. of Children & Family Services

The orders under review are affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                      Neal, J.

B108085 People (Not for Publication)  
v.  
Pizzaro

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.  
Neal, J.